

# a Hero for Our Time

the Trial and Fate of  
Boris Kochubiyevsky

EDITED BY MOSHE DECTER

FOREWORD BY ABRAHAM J. HESCHEL

I am a Jew. I want to live in the Jewish State. This is my right, just as it is the right of a Ukrainian to live in the Ukraine, the right of a Russian to live in Russia, the right of a Georgian to live in Georgia. I want to live in Israel.

This is my dream, this is the goal not only of my life but also of the lives of hundreds of generations which preceded me, of my ancestors who were expelled from their land.



FOREWORD BY ABRAHAM J. HESCHEL

In an act of profound courage, the Soviet Union, through the work of its people, has demonstrated its commitment to the cause of the victims of the Holocaust. The Soviet Union has shown that it is not a nation of the past, but a nation of the future. The Soviet Union has shown that it is a nation of the future, and the future will prevail.

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They have now determined no longer to be victims, but to be men.

There is an ultimate mystery in this reveal of spirit among a people whose spirit had been starved and crushed and beaten for more than half a century. From whence did it spring? How did it happen? The social sciences and the historians can not solve the mystery, for it belongs to the realm of the uncharted, the unexpected and unpredictable.

In the face of such mystery, we can only feel humble and awed. For all that Kochubiyevesky is in a forced labor camp, he is not a victim, not a diminished man. On the contrary, he is a man fulfilled, something larger than life.

ACADEMIC COMMITTEE ON SOVIET JEWRY

CONFERENCE ON THE STATUS OF SOVIET JEWS



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## FOREWORD by ABRAHAM J. HESCHEL

To us of this generation who have walked through the ruins of aborted dreams and desecrated ideals and have arrived at the gate of the seventies of the 20th century, the supreme question is: How does the road sign read? Abandon all hope, ye who enter here! Or: To despair is to betray; at the end His mercy will prevail.

The one road sign may be read almost everywhere. The other road sign is revealed in the lives of those who would rather suffer than bear falsehood, who would rather be exposed to torture and living in jail than to remain silent in the face of lies, blasphemy and injustice.

It has been said that the history of the world is nothing more than the progress of the consciousness of freedom. At a time when such consciousness is being suppressed and more than three million Jews are spiritually being buried alive, we witness the marvel of human beings who defy despair, who challenge adversity and declare their right to be what they are, their right to be free.

One such individual the following pages will relate: Boris Kochubiyevsky. Kochubiyevsky's adversity is that of his fellow Jews of Russia. While he languishes in a prison camp, his people are shut up in a stifling spiritual jail. Exposed to the scorn and hatred of enemies, the pricks and taunts of anti-Semites, the wholesale attempt by the oppressor to make him and them less than full men.

Suddenly, the Jews of silence have discovered their voice.

Suddenly, for them, "the time of fear has passed, the hour for action has come." So wrote the heads of eighteen Georgian Jewish families, more than 170 souls, in August 1969, when they appealed for United Nations help to leave the Soviet Union in order to return to their ancient Holy Land.

Suddenly, Soviet Jews have begun to write letters to the Soviet leaders and to the outside world, demanding their right to leave, proudly identifying themselves with the Jewish people and Israel.

They make their point with the simple eloquence of basic humanity.

They are Jews. They find it impossible to be Jews in the USSR. They want to live as Jews in the Jewish land.

Is this subversive? Is it hostile? Is it anti-Soviet? Is it imperialistic? Obviously not. It is only that they have now determined no longer to be victims, but to be men.

There is an ultimate mystery in this revival of spirit among a people whose spirit had been starved and crushed and beaten for more than half a century. From whence did it spring? How did it happen? The social scientists and the historians can not solve the mystery, for it belongs in the realm of the uncharted, the unpredicted and unpredictable.

In the face of such mystery, we can only feel humble and exalted.

For all that Kochubiyevsky is in a forced labor camp, he is not a victim, not a diminished man. On the contrary, he is, if not fulfilled, nonetheless larger than ordinary, above the common. A hero, in short.

Fulfillment he will find, along with his brethren, when they are let out of prison, and allowed to make their permanent pilgrimage to Israel. This is all they ask. This is all we ask for him and for them.

Let them go.



## INTRODUCTION by MOSHE DECTER

### "Was it here they shot the Jews?"

In early September 1961, two friends, two promising young Russian writers, Anatoli Kuznetsov and Yevgeni Yevtushenko, together made a pilgrimage to a wild ravine on the outskirts of Kiev, capital of the Ukraine. Stumbling through the desolation called Babi Yar, Kuznetsov called out to a passing stranger, "Was it here they shot the Jews?" There were no graves, no markers, no monuments. No one could know, unless he knew it in his heart, that an ancient and great Jewish community had been devastated here, exactly twenty years before . . .

On September 29-30, 1941, the Nazi occupiers of the Soviet Ukraine chose that ravine as the site of their slaughter of the Jews of Kiev—34,000 of them. And in the succeeding two years of the German occupation, tens of thousands of other Ukrainian Jews were added to the pyres kindled by the Nazis and kept burning by Ukrainians and Stalin's secret police. There were as many as 100-150,000 Jewish victims, in addition to many Ukrainian and Russian "*untermenschen*" whom the German killer detachments also decimated there . . .

Horried and shattered, the two young friends left, determined to keep alive the memory of what had happened there. Within days, Yevtushenko wrote the poem that catapulted him to international fame — "Babi Yar" — with its ominous, nuanced, suggestive opening line: "At Babi Yar no memorial stands."

The poem was published on September 19, 1961 in *Literaturnaya Gazeta* (*Literary Gazette*), the weekly organ of the Soviet Writers Union. The whole thrust of the poem was solidarity with the Jews and utter rejection of anti-Semitism past and present. Yevtushenko had made it clear that the holocaust at Babi Yar was a tragedy of the Jewish people in the first place. And he had unmistakably implied that anti-Semitism persists in his country, that the authorities perpetuate the crime through their refusal to erect a monument to the Jewish victims.

Almost immediately, the reigning neo-Stalinist literary establishment unleashed a virulent assault upon poem and poet, even including thinly disguised anti-Semitic themes. Yevtushenko fought back, finding support among the best of the liberal intellectuals; in a subsequent poem, "Talk," he wrote, in response to praise for his daring — "In so strange a time/ Common integrity looks like courage." But his staunchest admirers were the university youth, who made a hero of him. He appeared countless times before such audiences, numbering in their tens and scores of thousands, and the youth would set up rhythmic chants — "Babi Yar" — "Babi Yar" — "Babi Yar" — "Babi Yar" — all the while beating time with their hands and stomping their feet. The poem had become a symbol and a banner.

But the poet lost after all. He was forced to make three significant changes: (1) In order to demonstrate that this was a tragedy not so much for Jews as for "Soviet citizens," he had to add the line: "Here, together with Russians and Ukrainians, lie Jews." (2) In order to show that he did not charge the Russians with complicity in anti-Semitism, he had to add the line: "I am proud of the Russians who stood in the path of the bandits." (3) He omitted the traditional Russian anti-Semitic slogan, "Beat the Kikes, Save Russia!", thus softening his original implication of persistent popular anti-Semitism today.

But this was not the final victory of the neo-Stalinists over the liberal spirit. In March 1970, a new edition of Yevtushenko's collected poems omitted both "Babi Yar" and another well known anti-authoritarian poem, "The Heirs of Stalin".

The "heirs of Stalin" had their way with Yevtushenko's friend, Kuznetsov, as well. He had spent the succeeding five years doing meticulous research and in 1966 published a documentary novel also entitled, simply, "Babi Yar". It too was hailed by the liberal intelligentsia and condemned by the reactionaries of the literary establishment, who had the last word. Kuznetsov, who defected to England in 1969, has revealed the enormous troubles he had with the censorship and the Stalinist critics, who forced him to do violence to his work, by omissions, additions, distortions.

There is a memorial to the Jewish Holocaust at Dachau, at Buchenwald, at Auschwitz. There is still no memorial at Babi Yar.

Thus the shadow of Babi Yar falls over the talented, sensitive Russians who have tried to come to terms with its implications and consequences. "Everything here screams silently," Yevtushenko wrote, "a continuous soundless scream." It is the silence of the Soviet regime about the Jewish Holocaust, seeking to stifle all memory of it, any sense of Jewish identity and destiny which it would inspire. It is



the silence forcibly imposed upon Jewish creativity, upon Jewish culture, Jewish religion, Jewish education, through oppression, discrimination, deprivation.

"Silence is equivalent to death," wrote Boris Kochubiyevsky. So he spoke up and resisted, and now rots in jail — and that makes him a hero for our time.

Boris Lvovich Kochubiyevsky was born in Kiev in 1936. His father was killed at Babi Yar in 1941 . . . .

The boy attended a trade school, and received a radio engineer's degree from the Kiev Polytechnical Institute. He had no Jewish education or culture; his wife, Larisa Aleksandrovna, is Ukrainian. Still, his experiences as a Jew in the Soviet Union made him always aware of his Jewish origins. And, as for so many of his fellows, Israel's triumph in adversity in June 1967 crystallized his sense of Jewish identity.

That month, at a meeting organized at his factory, party leaders rammed through a unanimous resolution, condemning "Israeli aggression". Kochubiyevsky arose to deny it was unanimous: "I want the record to show that I disagree." He heatedly rejected the official line and upheld Israel's right of defense — and his right to say so. Alarmed, the trade union committee at the factory discussed his action and subsequently urged him to resign his job. He refused.

Finally, in May 1968, he succumbed to the constant pressures, and resigned. That month, at Passover time, he wrote his essay (later smuggled out of the country), "Why I Am A Zionist". The reason was clear: The regime and its policy reek of "the stench of narrow-minded anti-Semitism".

This shocking phrase was not his, nor is it mine. It is that of the USSR's most brilliant and most honored nuclear physicist, Andrei D. Sakharov, a 47-year-old intellectual whose 1968 essay, *Progress, Co-existence and Intellectual Freedom* caused a sensation when it circulated from hand to hand in the USSR.

The fact is not new. What is new, and highly significant, is that a foremost representative of the younger Soviet intelligentsia — who even happens to be closely associated with the establishment — should openly acknowledge the fact. "The stench of narrow-minded anti-Semitism . . . in the highest bureaucratic elite of our government . . . ."

That summer, Boris and his wife applied for exit permits to go to Israel. They were refused, but later in the fall they tried again and were told they would be able to leave. But again the shadow of Babi Yar fell over them.

For several years, Kiev Jews had established an informal tradition of congregating in small groups at Babi Yar, on the September anni-

versary of the slaughter. The authorities, ever apprehensive about any such spontaneous, informal gathering, organized an official commemoration in 1968. Inevitably, the speaker mentioned the anonymous "Soviet citizens, Russians, Ukrainians and others" who were done to death by the barbarians. He also took the occasion to flay Israeli aggression and occupation policies.

After the official meeting was concluded, the Jewish mourners took over. Witnesses relate that Kochubiyevsky spoke passionately and grimly: "Here lies a part of the Jewish people". It was not an anonymous tragedy.

In November, the Kochubiyevskys were informed that they had been granted an exit permit for Israel, and were told to appear at the visa registration office (OVIR) to pick up their documents. On the morning of November 28, while they were at the OVIR, their apartment was searched and many papers confiscated. That very day, Boris dispatched his open letter to Soviet Communist Party Secretary Brezhnev and Ukrainian Party Secretary Shelest.

One week later, on December 7, Kochubiyevsky was arrested and charged, under Article 187 of the Ukrainian Criminal Code, with disseminating anti-Soviet slander. Larisa was loyal and steadfast; she refused enormous pressures to leave him and divorce him. Finally, she was expelled from the Pedagogical Institute where she was enrolled, and from the Komsomol (Young Communist League). Her parents disowned her.

The Kiev prosecutor's pre-trial investigation was concluded on January 20, 1969 and submitted to the court — where, however, it was sent back for further work. The court stated that the evidence was insufficient to support the charge that he intended to disseminate anti-Soviet slanders. Subsequently, the court must have satisfied itself with the additional investigation, for on May 13-16, Boris Kochubiyevsky was tried, found guilty, and sentenced to three years in forced labor camp.

In August and September the official press published two long, vitriolic attacks upon him. They are included here not only because they are germane to the case, not merely because they illuminate Soviet standards of journalism, but because the articles are written by Jews — Mirsky and Feldman. The regime has ever been able to mobilize, through all the means available to it, enough Jews to serve as informers, provocateurs, traducers.

In a way, this small attack foreshadowed the massive, nation-wide campaign conducted in February and March 1970, in which large numbers of Soviet Jews, prominent and lowly, were paraded before clamorous meetings and in the press, loudly damning Israel and



profusely, pathetically, fulsomely, proclaiming their loyalty to the USSR.

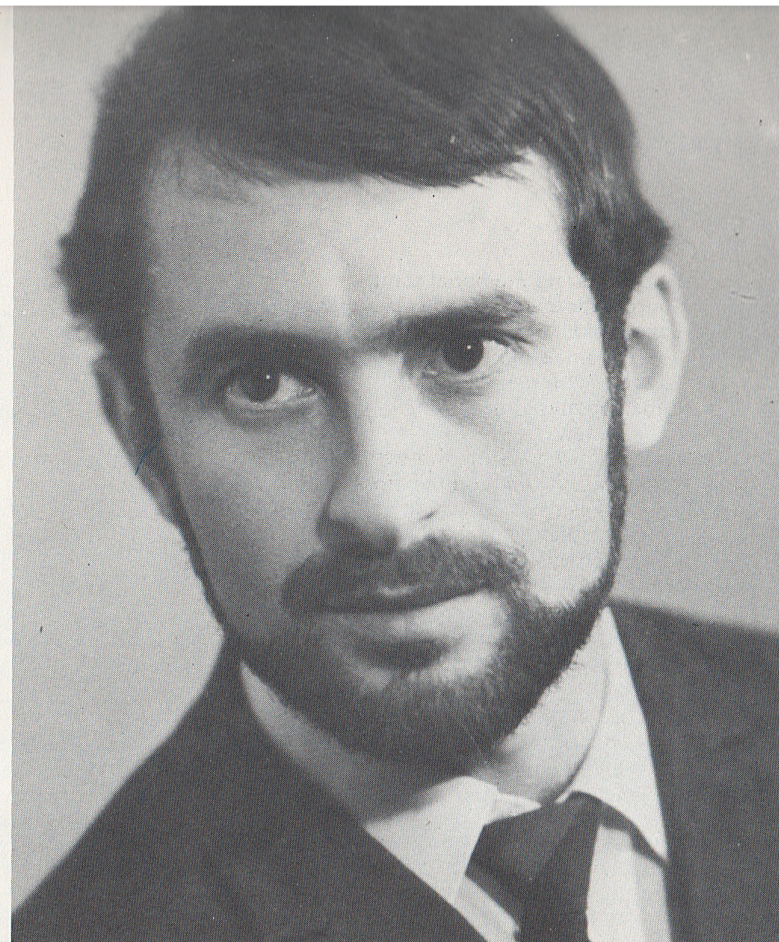
In the last few years, Soviet dissidents — writers, workers, scientists, artists, housewives — have undertaken a quietly courageous struggle for civil liberties in their country. They have managed to smuggle out a variety of underground documents, texts of appeals and petitions, as well as news of events relating to the cause of free expression in the USSR. One of the most recent (May 20, 1969), an appeal to the United Nations sent by fifty-two dissidents in the "Initiative Group for the Defense of Civil Liberties in the USSR," included the trial and sentence of Kochubiyevsky among the violations which they protested. Solidarity with the Jews, victims of prejudice and oppression, has always been the hallmark of the noblest elements of the Russian intelligentsia, from Tolstoy and Kirilenko to Chekhov and Gorky, and down to our own day.

The best known of the materials smuggled out is the *Khronika*, a periodic Chronicle of Events, and it is from these sources that we have managed to cull most of the materials relating to this case, especially the trial. The transcript, though fragmentary, is nevertheless clear, and details are also filled in by the individual, or individuals, who monitored the case.

The trial was gripping and dramatic, Kafkaesque, its atmosphere dominated by hooliganism and anti-Semitism. Out of it all emerges the figure of Kochubiyevsky. The nobility of his conduct, the elan of his style, the unassuming but granite-like determination, the sense of history and of individuality — all these mark him as a heroic character.

Three years ago Elie Wiesel, the novelist, returned, shattered, from a visit to Moscow and wrote a book called *The Jews of Silence*. They were silent from fear, from intimidation, from the habit of it. The old-timers may still be fearful and silent, but the young people are shaking off the habit: They've had enough of it, so they say.

Reports from a multitude of sources, from journalists, diplomats, tourists, Jews who have recently emerged, leave no doubt of a profound change of mood among young Soviet Jews today. They share the alienation from the establishment characteristic of much of Soviet youth in general. They share the revulsion from cynicism, and a flaming new idealism groping for a more generous and free future. But they have something special, something of their own. Brought to the threshold of *résentiment* by years of discrimination and anti-Semitism, they discovered a new source of pride in Israel's victory in the Six-Day War.



No amount of propaganda and pressure is likely to undo this historic spiritual transformation of so many Soviet Jews. On the contrary, such pressures are likely only to bolster and enhance their new mood. This is no longer the traditional Jewish, obdurate persistence; this is resistance. This is no longer meekness and resignation; this is pride and defiance.

As always, one reaches the universal through the particular: One can arrive at the human through the Jew. The *Ethics of the Fathers*, an ancient rabbinic guide to moral wisdom, taught: "In a place where there are no men, you must try to be a man." In Soviet circumstances, to be a proud, defiant Jew is one of the few ways to be a man.

Kochubiyevsky is a herald and symbol of this new human condition.



**"BABI YAR"** by Yevgeni Yevtushenko

At Babi Yar no memorial stands.  
There is the steep bluff, like a crude gravestone.  
I am afraid.

I am as old today  
As the Jewish people itself.  
I imagine myself now  
a Jew.

Here I am, wandering through ancient Egypt.  
And now, crucified on the cross, I die,  
And to this day I bear the marks of the nails.  
I imagine that I am

Dreyfus,  
Philistines prosecuting and judging me.  
I am behind prison bars,  
Trapped,  
Harried to exhaustion,  
spat upon,  
traded.

And fine ladies with flounces of Brussels lace,  
Shrieking, poke their parasols in my face.  
I imagine

I am a boy in Bialystok.  
My blood gushes out, streaming over the floors.  
The leading lights of the saloon,  
Reeking of vodka and onions,  
Are on the rampage.  
Sent sprawling with a boot, helpless,  
I entreat the pogromist thugs in vain.  
To roars of laughter—

"Beat the Kikes, Save Russia!"—  
A flour-dealer beats my mother mercilessly.  
Oh, my Russian people!

I know  
that you  
Are at heart internationalist.  
But often those with unclean hands  
Have loudly taken in vain  
Your most pure name.  
I know the goodness of my land.  
How vile

that, without a quiver of remorse, the anti-Semites  
Style themselves bombastically  
"The Union of the Russian People!"

(continued)





I imagine  
     that I am Anne Frank,  
 Transparent  
     as a twig in April.  
 And I am full of love.  
     I don't want talk.  
 What I want  
     is for us to look into each other's hearts.  
 How little we can see  
     or smell!  
 Not the leaves,  
     not the sky,  
 But much we can do—  
     We can tenderly  
 Embrace in a dark room.  
 Someone's coming?  
     Don't be afraid—that's the rumbling  
 Of spring itself—  
     it's spring that you hear coming here.  
 Come to me.  
     Give me your lips.  
 They're forcing the door?  
     No—that's the ice breaking up. . . .  
 Wild grasses rustle over Babi Yar.  
 The trees look stern,  
     like judges.  
 Everything here screams silently  
     and, baring my head,  
 I feel myself  
     slowly turning gray.  
 And I myself,  
     am like a continuous soundless scream  
 Over the thousands of thousands buried here.  
 I —  
     am every old man  
     who was shot here.  
 I —  
     am every child  
     who was shot here.  
 No part of me  
     will ever forget any of this!  
 Let the "Internationale" ring out  
 When the last anti-Semite on earth  
 Has been buried forever.  
 There is no Jewish blood in mine.  
 But all anti-Semites hate me bitterly, venomously  
 As if I were a Jew.  
 And that is why  
     I am a true Russian!

## THE LETTER

November 28, 1968

TO: The Secretary General of the CPSU Central Committee — Brezhnev

The First Secretary of the (Ukraine CP) Central Committee — Shelest

COPY TO: The Investigator of the Prosecutor's Office in the Shevchenko Region of the city of Kiev — V. V. Doroshenko

FROM: The Accused of Slander of Soviet reality — B. L. Kochubiyevsky, Jew

I am a Jew. I want to live in the Jewish State. This is my right, just as it is the right of a Ukrainian to live in the Ukraine, the right of a Russian to live in Russia, the right of a Georgian to live in Georgia. I want to live in Israel.

This is my dream, this is the goal not only of my life but also of the lives of hundreds of generations which preceded me, of my ancestors who were expelled from their land.

I want my children to study in a school in the Hebrew language. I want to read Jewish papers, I want to attend a Jewish theatre. What's wrong with that? What is my crime? Most of my relatives were shot by the fascists. My father perished and his parents were killed. Were they alive now, they would be standing at my side: Let me go!

I have repeatedly turned with this request to various authorities and have achieved only this: Dismissal from my job, my wife's expulsion from her Institute; and, to crown it all, a criminal charge of slandering Soviet reality. What is this slander? Is it slander that in the multi-national Soviet State only the Jewish people can not educate its children in Jewish schools? Is it slander that there is no Jewish theatre in the USSR? Is it slander that in the USSR there are no Jewish papers? By the way, no one even denies this. Perhaps it is slander that for over a year I have not succeeded to obtain an exit permit for Israel? Or is it slander that nobody wants to speak to me, that there is nobody to complain to? Nobody reacts. But even this isn't the heart of the matter. I don't want to be involved in the national affairs of a state in which I consider myself an alien. I want to go away from here. I want to live in Israel. My wish does not contradict Soviet law.

I have an affidavit of invitation from my relatives; all the formalities have been observed. Is that why you are instituting a criminal case against me?

Is that why my home was searched?

I am not asking for mercy. Listen to the voice of reason:

Let me go!

As long as I live, as long as I am capable of feeling, I shall devote all my strength to obtain an exit permit for Israel. And even if you should find it possible to sentence me for this — I shall anyway, if I live long enough to be freed, be prepared even then to make my way even on foot to the homeland of my ancestors.

Kochubiyevsky



## THE TRIAL

### The Case of Boris Kochubiyevsky

From: Material smuggled out of the Soviet Union

At the beginning of December a thirty-year-old radio engineer, Boris Kochubiyevsky, was arrested in Kiev.

In 1967 he attended a lecture on the world situation, which was given at the radio factory where he worked; he argued with the lecturer and expressed his disagreement with the description of Israel's actions in the Six-Day War as aggression. Afterwards his case was discussed by the factory committee of the trade union and they proposed that he should leave "of his own free will." He refused, and it was only after nearly a year in which they tried every means to "persuade" him, that he left, in May 1968. In June 1968 he married a student in the fourth year at the pedagogical institute and in August he applied for permission to leave for Israel. In September a similar application was submitted by his wife, who is of Russian nationality. His application was rejected because of "the absence of diplomatic relations" and hers because she had "ageing parents" in Kiev. Later Larisa Kochubiyevsky was expelled from the Young Communist League for "Zionism". She was not immediately expelled from the institute: for a long time they tried to persuade her to get a divorce, using arguments that would have done the Black Hundreds proud. The deputy dean, Groza, for example, replied to the young woman's sole and sincere argument: "I love him," almost word for word as follows: "I know a girl who's married to a Jew and she says all Jews stink. You love him — that's nothing; but where you're going the whole country will stink." Larisa's parents (her father a K.G.B. worker, her mother a respected teacher) renounced her.

On September 29 an official meeting was held at Babi Yar in Kiev. *Khronika* has already reported how the Kiev authorities replaced the traditional meeting at the Shevchenko monument with an official festival. In exactly the same way they replaced the traditional annual meeting at Babi Yar with an official one. The official speakers were principally concerned with condemning Israeli aggression but they also used the usual stock phrases about the Fascists who had killed Soviet people, without mentioning that the majority of those killed were Jews. An acquaintance came to Boris Kochubiyevsky and told him about a conversation he had just overheard there:

MAN: What's going on here?

WOMAN: Here the Germans killed a hundred thousand Jews.

MAN: That wasn't enough.

Boris flared up, declaring that people were bound to talk like that when, on that very day and in that very place, Israeli aggression has been condemned from the official platform and no mention made of the fact that Jews had been killed here. Straightaway a man came up to him, wishing to argue, and said that not only Jews had been killed here. Boris objected that Jews had been killed just because they were Jews. He began saying that he was not allowed to emigrate to Israel and related the history of his family. One of his relatives had served in the Jewish Ministry under the Central Rada and had been shot as a follower of Petlyura. Another had been a commissar at the end of the thirties and been shot "as a Trotskyite." A third, an admiral, had been shot at the same time as a result of one of the military trials. Boris's grandparents were wiped out by a gang of nationalists in Zvenigorodka after the withdrawal of Soviet troops and before the arrival of the Germans. His mother and father were killed by the Germans, perhaps even here in Babi Yar. "In this country," said Boris, "I belong to no one. I want to go somewhere where I shall belong."

In November Boris and Larisa Kochubiyevsky were given permission to leave for Israel. On November 28 they were due to go to the passport and visa office with their documents. That morning their apartment was searched and they made a signed statement that they would not leave. The report on the search stated that it had been carried out "to remove documents, letters, etc." without any reference to the content of the documents. In the search only copies of letters that Kochubiyevsky had written to official departments were removed. On or about December, Boris Kochubiyevsky was arrested on a charge of spreading by word of mouth deliberately misleading fabrications, which defamed the Soviet state and social system, under Article 187-1 of the Criminal Code of the Ukrainian Republic. He was incriminated by his address at the lecture on the international situation, his appearance before the radio factory committee, his statements at Babi Yar and "speeches" (?) which he had delivered at the passport and visa office.

On January 20 the investigation was completed and the case handed over to the court. The court returned the case for further investigation because of the lack of evidence to substantiate the charge.

One of the principal witnesses in the case is that same unknown person who approached Kochubiyevsky at Babi Yar and provoked him into an argument. In addition, evidence against Kochubiyevsky was given by a number of Jewish witnesses, including two victims of Babi Yar, the leading figures of Anatoli Kuznetsov's book *Babi Yar*. Many of those who were present at Kochubiyevsky's "addresses," and could appear as defense witnesses, are themselves applying for permission to emigrate to Israel and do not wish to prejudice their chances.



## To the Prosecutor of the Town of Kiev — Complaint

We, the undersigned, were not admitted to the open court session dealing with the case of Boris Kochubiyevsky, charged under statute 187/1 of the Criminal Code of the Ukr. SSR, which is taking place in the Regional Court, courtroom No. 3, on May 13, 1969—even though we had come to the court building long before the start of the trial. Persons admitted into the courtroom were chosen in accordance with a mark unknown to us. In answer to our questions, a lieutenant who said he was in charge of the guard, stated that he was acting in accordance with instructions received from the K.G.B. We consider this to be a violation of the provisions of the criminal-judicial procedure code of the Ukr. SSR, which stipulates that legal proceedings be held in public.

The Chairman of the Court session refused to accept our request to be admitted to the courtroom. The request had been transmitted through Jr. Lieutenant of the Militia, Pinchuk.

We ask for your urgent intervention in the matter, in order to stop further violation of socialist laws and in order that we should be given the possibility of being present at further court sessions dealing with this case.

Signatures (12)

## Trial of Boris Kochubiyevsky

From: "Khronika"—Issue 3/8—June 30, 1969

Between the 13th and the 16th of May of this year, the Kiev Regional Court examined the case of Boris Kochubiyevsky, charged in accordance with Statute 187-1 of the Criminal Code of the Ukr. SSR, which corresponds to Statute 190/1 of the RSFSR. Kochubiyevsky was incriminated by his statements on the situation of Jews in the USSR. The particulars of the charge mentioned in *Khronika* issue No. 6 did not include his speech at a lecture on Israel's "aggression" in the Six-Day War. The Court found Kochubiyevsky guilty and sentenced him to three years of regular regime camps.

Kochubiyevsky denied his guilt. He denied the falsity of his statements and said that, if some of them should happen to be false, there had been no deliberate falsification, because when he spoke he was convinced of the truth of his words. In connection with this, the prosecutor objected: "You have received higher education, you have passed philosophy tests at least on the candidate level, you know the Constitution of the USSR and therefore you could not fail to know that everything you say cannot happen in our country."

The formulation, almost literally, has entered into the verdict as proof of the deliberate falsity of Kochubiyevsky's statements.

On one of the main elements of the charge eight witnesses testified—only three of whom supported the position of the prosecution. One of the three, Rabinovich, in answer to Kochubiyevsky's question as to how he happened to be in Babi Yar, said that he had been looking for a shop and came there by chance. The Court rejected the testimony of the defense witnesses, stating that all five were friends of the accused and have given full support in Court to the "Zionist views" of the accused.

Both the Judge and the prosecutor constantly used the expression "Zionist" and "Zionist views", in spite of Kochubiyevsky's categorical objections. In particular, the prosecutor asked: "And have you thought what you did to your wife? You have contaminated this young Russian girl with your Zionist views."

The following are two more examples of the logic used by the prosecution:

Prosecutor: "Do you know what we fought against?"

Kochubiyevsky: "Against fascism."

—"And what have we fought for? Freedom?"

—"Yes."

—"Have we won?"

—"Yes."

—"So you see, we have freedom."

The Judge (or the prosecutor): "I know you will assert that there is anti-Semitism in our country in connection with the fact that there are 200,000 Jews in the Ukraine and there are no Jewish schools, papers, theatres!"

Kochubiyevsky: "Yes, that too."

—"But you know that they do not live together here, but are decentralized."

—"But in Canada there is a smaller number of Ukrainians and they have their own papers, schools and theatres."

—"What are you comparing? They live in a bourgeois State, they still have to fight for their freedom!"

It is not by chance that we cannot remember who conducted this dialogue, the judge or the prosecutor. The judge, in essence, behaved like a member of the prosecution and his conduct, in this form, was much more aggressive than that of the comparatively correct prosecutor. The judge interrupted the accused, mocked him, inciting the hostile part of the public to make remarks, not even once calling the public to order. Once only he delicately remarked that he did not approve of interpellations from the hall.



In the Courtroom were present relatives and, after giving their testimony, the witnesses were sent out; separate places were occupied by the "public," among which were recognized several KGB-men. When the militia and the guard were asked why they did not admit people into the Courtroom, they added to their traditional "No room" answer: "The KGB does not allow it." One of the KGB-men was asked by a militia-man: "Hey, Chief, which are our people?" Without the permission of the "Chief," the public was not allowed to go out for a smoke in the recess period. This "Chief," who had once introduced himself to one of those present as Yuri Pavlovich Nikiforov, stood behind Vitaly Kochubiyevsky, the brother of the accused, and from time to time would quietly say again and again: "And you're a Kike, and you're a Kike!"

Citizens who were not admitted to the courtroom even though they had come long before the start of the judicial session and the appearance of the "public" in the courtroom, appealed to the Court Chairman and later made a protest to the prosecutor of the town of Kiev, but it was all in vain. Only the verdict could be heard by all. Among those who protested being kept out of the Courtroom, was, in particular, the daughter of Rudenko, an active witness for the prosecution.

Corrections and additions to the report of the Kochubiyevsky case published in the Sixth issue of the *Khronika*:

1. It was reported that both of Kochubiyevsky's parents had been tortured to death during the war. In fact, only his father died at that time; his mother died a natural death several years ago.
2. Davidov, the hero of Anatoli Kuznetsov's *Babi Yar*, did not appear in Court and to various persons, including the investigator, he stated that he had written the denunciation against Kochubiyevsky while drunk. The contents of the denunciation were not included in the charges against Kochubiyevsky.
3. One of the witnesses for the prosecution was the Deputy Dean, Groza, who had said that "Jews smell bad." This was confirmed in Court, only Mrs. Groza said she had not asserted this, but had merely asked whether this was true.

In the second half of June the Supreme Court of the Ukr. SSR reviewed the appeal in the Kochubiyevsky case and left the sentence passed by the Kiev Town Court unchanged.

### **Trial of Boris Kochubiyevsky**

From: Material smuggled out of the Soviet Union

On May 13-16, 1969, in the Kiev Regional Court the case of Boris Kochubiyevsky was tried. Born in 1936, an engineer, he was arrested

in December 1968. In the charge sheet it is stated that Kochubiyevsky, "though a citizen of the USSR, had, during 1968, systematically disseminated by word of mouth slanderous fabrications, defaming the State and the Social system of the USSR, the slander being expressed in his disseminating fabrications alleging that the Soviet State oppresses and keeps down Jews . . . this was also expressed in written form."

Officially, the case was heard at an open trial session, but in fact the trial was a closed one. Even the accused's own brother was not admitted to the courtroom. The Prosecutor of Kiev was sent a complaint on the part of persons not admitted to the courtroom, protesting against the violation of the provisions of the Criminal and Judicial Procedure Code of the Ukr. SSR, which stipulates that legal proceedings be held publicly. Previously organized groups of people, headed by their leaders, were admitted into the courtroom in accordance with special lists.

In his address, the Prosecutor compared Kochubiyevsky's trial with that of Beilis, which had taken place in the same building many years ago. In fact, the atmosphere in the courtroom, could not fail to remind one of the Beilis trial. The specially selected audience and the prejudiced attitude of the Court toward the case, created an atmosphere of intolerance and of unconcealed hostility toward the accused and the witnesses for the defense. While questioning Kochubiyevsky's wife, who was in her ninth month of pregnancy, the Judge reproached her for neglecting her civic duty and for preferring her husband to a Komsomol membership card. (Kochubiyevsky's wife has been expelled from the Institute and from the Komsomol.) The judge advised her "to find herself another husband." He willingly supported interpellations from the courtroom and, repeated them, presenting them as questions to the witnesses for the defense. To a remark made by the witness Koifman, to the effect that the anti-Semites were sometimes sly and concealed themselves, there was heard a remark in the courtroom, supported by a loud outburst of general laughter: "You yourself are being sly!" Koifman drew the judge's attention to the anti-Semite who made this remark, but it was Koifman whom the judge called to order. Kochubiyevsky's own brother, trying to get into the courtroom through the cordon of the militia and the "public", kept saying: "I'm his brother, I'm his brother . . ." To this, one of the organizers of the cordon answered him: "You're not a brother, you're a Kike, a Kike, a Kike!"

The basic point of the charge presented by the prosecutor, Surkov, was Kochubiyevsky's speech at Babi Yar, on the anniversary of the tragedy. He had said that the victims of Babi Yar were not merely victims of fascism, but fundamentally of genocide: "Here lies part of



the Jewish people." He had called Babi Yar a symbol of the Jewish people, these words were considered by the court as bourgeois-nationalist, Zionist propaganda.

To Kochubiyevsky was also imputed a sharp exchange of words in the OVIR, and similar "acts."

The main witnesses for the prosecution were the secretaries of Party organizations of those enterprises where Kochubiyevsky had worked, the workers of the OVIR and the officials of the Ministry of the Interior of the Ukrainian SSR. It is characteristic that the prosecution could not present a single witness in court whom Kochubiyevsky was supposed to have agitated. In the course of the trial certain witnesses for the prosecution repudiated their testimony given by them during the preliminary investigation. This testimony, they asserted, had been given under pressure by the Investigative Organs.

In connection with the testimony of the witnesses for the defense, the judge stated that it would not be taken into consideration because its aim was to whitewash the accused.

Kochubiyevsky admitted that he had said that the development of Jewish culture [words illegible—tr.] in the USSR being artificially restricted. He stated that he does not consider the expression of such thoughts a crime. Kochubiyevsky did not plead guilty to even a single article of the charge. . . .

On May 16, 1969, Boris Kochubiyevsky was pronounced guilty according to Statute 187/1 of the Criminal Code of the Ukr. SSR (corresponding to Statute 190 of the Criminal Code of the RSFSR) and sentenced to three years of imprisonment in corrective labor camps.

### Prosecutor Surkov's Summation

From: Material smuggled out of the Soviet Union

Honored Judges:

For three days you have been painstakingly examining this case. We also studied the case in the same manner. You must now sum up and decide whether Kochubiyevsky is guilty. I support the charge and consider the accused, Kochubiyevsky, guilty of crimes covered by Statute 187/1 of the Criminal Code of the Ukr. SSR.

The prosecutor then digresses into the history of the Second World War. He states that all nations were united and together routed Hitler. Then follows the prosecutor's discourse about the glorious nationality policy of our country. Afterwards he attacked the pogroms committed in Tsarist Russia. The prosecutor said: "... (Words illegible—tr.). But now everything is different. It is not important what na-

tionality a person is, what is important is that he should be a good man." And still further: "We have no government official who would speak against any nationality. The doors of our institutes, factories or fields are closed to no one. But we do have individuals who speak with alien words! The conduct of these persons is not a matter of indifference to us. They bring us harm and the law is there to defend us."

Kochubiyevsky is charged with slander; he asserts that Jews are oppressed in our country. I have cited him figures proving what the Jewish people has achieved in our country. I shall not repeat myself here; these figures eloquently testify to the falsity and the baseness of Kochubiyevsky's statements. Perhaps there are in our country some individuals who are anti-Semites, but they are few and the law calls them to order. Therefore, charges like that cannot be brought against our social system.

Kochubiyevsky is charged with orally slandering the Soviet social system in 1968, asserting that there is oppression of the Jews. He is also charged with disseminating anti-Soviet slander among the workers of the factory, whose testimony we have also heard. .

Kochubiyevsky said that when he was a boy he used to be beaten because he was a Jew, but who doesn't get into a fight in his childhood? Childish pranks cannot be elevated to policy. When he was sixteen, Kochubiyevsky (words illegible—tr.) nationality.

The prosecutor went on to cite the testimony of witnesses. They stated that Kochubiyevsky had slandered the Soviet social system. "Who told the truth?" asked the prosecutor. "The witnesses for the prosecution or Kochubiyevsky and his witnesses?"

The prosecutor continues with an attempt to justify the "actions of the witnesses for the prosecution." He says: "Yes, certain witnesses 'happened' to be at Babi Yar. They were interested in knowing where a man like that had come from. He brings shame on the Soviet Union. In their depositions the witnesses wrote that Kochubiyevsky causes dissension and incites national enmity." Speaking about Kochubiyevsky's wife, the prosecutor stated: "Love must have its limits when it is a question of principles. But this is her own business."

The prosecutor said: "Kochubiyevsky's views were formed under the influence of the West. It isn't only national feeling that drives him to Israel, it is the mania of superiority that follows him everywhere. Had Kochubiyevsky not uttered slander, he might have gone to Israel. After all, he was not refused."

Explaining the refusal to admit representatives of the public into the courtroom, the prosecutor said that the court does not have large premises and there was no more room.



## B. Kochubiyevsky's Statement

From: Material smuggled out of the Soviet Union

Citizens Judges!

You now have to make a decision in my case. The meaning and purpose of my whole life has been, is and will be — to emigrate to the State of Israel, together with my family. I have never talked about governmental anti-Semitism. I have talked about the attitude of individual persons toward Jews. I have repeatedly heard, and not only from unenlightened and uneducated people, but from persons with higher education as well: "Hitler cannot be forgiven for not destroying all the Jews."

After the lecture at the factory to which reference has been made, anti-Semitic notes were thrown at me. This is how overt anti-Semites act. But it is the covert anti-Semites who are more dangerous. I could cite examples, but if I name such a person, he will sue me for slander. For I can not prove anything and shall be condemned. This is a commentary on what the prosecutor said to the witness Koifman.

In our country we have heirs of Krushevan and of the organizers of the Beilis affair. It was of them that I spoke. Anti-Semitism is indissolubly tied up with fascism. Of all my relatives, the fascists killed my father, grandfather and grandmother, and my grandfather's brother was rolled over the streets of Odessa in a barrel studded with nails. My grandfather and grandmother were killed by anti-Semites before the coming of the fascists. Anti-Semitism that is not combatted is particularly dangerous. By condemning me you will only encourage anti-Semites.

My statements never preached national enmity. The factory workers can confirm that I have many friends among Russians and Ukrainians. My wife is Ukrainian. I am proud that I have such a wife, a person of such high moral qualities.

Now, some information for the workers of the Pedagogic Institute: Peshkova, Gorky's wife, is revered in Israel as a national heroine. Yevgeni Yevtushenko's poem, "Babi Yar," was published in the Soviet press. . . .

Judge: "Accused, keep to the subject of the charges.

Kochubiyevsky: "The poem 'Babi Yar' . . ."

Judge: "Accused, you have been given the chance to make a final statement in your defense, not to make excursions into history and literature."

Kochubiyevsky: "I ask that it be placed on record that I have been admonished for mentioning Yevtushenko's poem, 'Babi Yar' . . . . Very

well, I omit this part of my final statement. All my statements at Babi Yar fully coincided with the sense and the spirit of this poem.

I would like to dwell on certain facts that neither the prosecution nor the defense has paid attention to. The first is the strange coincidence of the appearance of prosecution witnesses at Babi Yar. The so-called illegal gathering was of some scores of Jews who came to Babi Yar to honor the memory of their relatives, killed by the fascists. I made no speeches at that time. There is the testimony of Dasinsky, Rabinovich and Bondarenko, but there is also the testimony of my brother, who in no way shares my views. He lives in the Donets region. At Babi Yar my brother was next to me all the time; since then I haven't seen him. He testified that on September 29 I got into an argument, but on October 1 I didn't talk to anyone. The witnesses for the defense testify to the same thing. Had my brother been trying to whitewash me, he wouldn't have mentioned the arguments that took place on September 29. The testimony of the witnesses for the defense has not been taken into consideration at all. Why then has the testimony of Dasinsky and Rabinovich, who stated that I made speeches on October 1, 1968, been taken into account? Rabinovich was particularly excited. It would be natural to suppose that he is waiting impatiently for a verdict of guilty. But just why isn't he here now? Has his conscience awakened?

There is nobody here at all who is connected with the episode at Babi Yar. Can the court base itself only on the testimony of the witnesses for the prosecution? And why is it impossible to believe the witnesses for the defense?

You, citizen judges, have said that we have class justice. But does the wish to emigrate to Israel turn a person into a hostile element?

During the investigation and the trial I was never asked even once when and at what time I had been at Babi Yar. But, with clearly provocative intentions, words have been ascribed to me concerning the possibility of the annihilation of the Jews. I spoke only about the possibility of emigration to Israel, basing myself on the statement made by Kosygin on March 5, 1967. But Tiutiunik said that I had called on all Jews to go to Israel.

At Babi Yar everyone was indignant at the words of one anti-Semite, who said: "Not enough of them have been killed." I shared everyone's indignation. But this fact has been so twisted that it came out as if I had said that all of us here will be shot.

It wasn't by chance that I asked every witness in court: "How did you happen to be at Babi Yar on that day?" And all the witnesses justified themselves, saying that they *happened* to be there by accident, as if being in Babi Yar was something shameful.



Tiutiunik says that after the meeting only the anti-Soviets remained. Many persons could have proved this to be a lie.

It is much more difficult to disprove the testimony of the workers of the OVIR. In essence, they are either fabrications or have been exaggerated to absurdity. Kosygin has said that every Jew can emigrate from our country to Israel without impediment. Gorchinsky's words: "In August 1968 I was an involuntary witness to an argument between the Kochubiyevsky couple and the workers of the OVIR. Citizen Kochubiyevsky had been refused emigration to Israel. He then demanded that his Soviet citizenship be revoked." I agree with this testimony. In truth, the decisions of the OVIR do not correspond with the words of Kosygin, therefore I had complaints against the workers of this executive organ.

Mironenko's words: "Kochubiyevsky said: 'You are worse than facists!' This is word-for-word what the witness Spekovska and the Party organizers Kuyavda and Kotelev also testified to. Is it credible that I would choose party organizers as objects to influence?"

Kuyavda's words: "In the presence of Gertsman, Kochubiyevsky demanded that I should be given an Arab medal." I wanted to call Gertsman as witness, but the lawyers told me that (words illegible —tr.) didn't hear something in the conversation, is not taken into consideration. Therefore I did not insist on calling Gertsman.

The prosecutor says that I'm a smart man. Then, why would I go to strange Party secretaries and disseminate so-called "fabrications?" This is in connection with the radio factory. There are many Jews working there. Logically, I should have been trying to persuade them. It is very good that not a single Jew from the factory found it possible to lie against me. Some of my statements at the factory have been distorted to absurdity.

My only aim remains emigration to Israel. This is not punishable according to Soviet laws, but my wife and I have already felt this "non-punishableness."

Judge: "Accused, stop making anti-Soviet propaganda. If you do it again I shall deprive you of your right to speak." K.: "These are the errors of the departments in charge of emigration to Israel. I hope that my arrest is an error on the part of the organs of investigation. In conclusion I wish to say that I have not slandered anyone and had no intention of slandering anyone."

I am sure that this trial will explain much and I hope that no one else will share my lot because of his desire to emigrate to Israel."

#### **From: Khronika—Issue 4/9—August 31, 1969**

The transcript is of great interest despite the fact that it is frag-

mentary. For the information of *Khronika* readers, something not reflected in our No. 8 should be added. The defense attorney's address is representative of the kind of speech that the public has not been accustomed to hear in the past few years. While giving the actual or supposed content of statements made by his client, the lawyer does not hesitate to paint it in the blackest of terms and, incidentally, gives no indication that he believes his client when the latter denies that he expressed some of the views alleged. He does, however, accept the veracity of prosecution witnesses in the case against Kochubiyevsky. The only point on which the defense is based is the denial of premeditation and the "sincerity of error." It should be pointed out that "premeditation" is a necessary part of crime, in accordance with Statute 187/1 of the Ukrainian Criminal Code. On this point alone, it would have been possible to build the case for the defense, without sharing the client's opinions but, at the same time, without joining in the abuse of him, without pronouncing his beliefs harmful and slanderous, and without stating that the evidence he gave the court was false.

#### **THE PRESS ASSAULT**

From: "Vecherniy Kiiiv"—August 9, 1969 (Kiev, daily, in Ukrainian)

#### **With somebody else's voice** by S. FELDMAN

In mournful quiet stood hundreds of Kievites, honoring the memory of the victims of fascism. With bated breath, people listened to the speakers branding with shame the Hitlerite monsters who had brutally murdered here, in Babi Yar, thousands of Soviet citizens — Russians, Ukrainians and Jews. The participants at the meeting glorified our soldiers, who liberated the capital of the Ukraine and our Fatherland and saved the peoples of Europe from fascist slavery.

The above-mentioned meeting devoted to the victims of fascism took place in Babi Yar on September 29 of last year. After it ended, people slowly dispersed.

Only one man, about thirty-five years old, with a shifty look, gathered a group of people nearby and made an attempt to open a meeting of "his own." Straining his voice, he slandered the Soviet Land, denying the greatest achievement of our Fatherland—the friendship of peoples—and shouting about "discrimination" against Jews in the USSR and about their "exceptionality" and "superiority." The slanderer shouted: "This is not our Fatherland!" and exhorted the Jews to emigrate to Israel.

This aroused protests on the part of those present, including Jews. Just like citizens of other nationalities, the Land of the Soviets is their



sacred Fatherland, they work honestly and devotedly for its strengthening and greatness and consider those who slander the USSR and incite them to leave their Fatherland as traitors and as their class enemies. Therefore, they became enraged at the clearly hostile, anti-Soviet speech of the provocateur and were deeply insulted by his blasphemous slanders and attempts at dishonoring the memory of the victims of fascism.

Cries were heard: "Away with the Zionist provocateur! This scum spits into our souls. . . . There is no place for him in our society!"

The slanderer did not succeed in winning adherents. A few days later, on October 1, he again tried to organize a gathering near Babi Yar, spreading nonsensical lies and calling for a "break-off" with the Soviet Union because, he said "there will anyway be no life for Jews here." He met with a decisive rebuff. Enraged to the limit by his anti-Soviet speeches, the people who happened to be at Babi Yar that day, in particular A.A. Daskovsky, M.A. Rabinovich and others, appealed to the administrative organs to quiet the provocateur down.

It turned out that he was Boris Lvovich Kochubiyevsky. He systematically listened to various "radio voices" from the West and had meetings with some foreign tourists. Poisoned by Zionist propaganda, for a long time he spread fabrications and slanders against our system, slandering everything that is dear to the Soviet people. This is why he has been brought to justice. Nobody is allowed to violate Soviet laws.

A short time ago I was present at the open session of the Judicial Board for criminal cases of the District Court, at the case charging Kochubiyevsky with systematic slander and vilification of the Soviet government and social system.

Here he is standing before the Court and testifying. His movements are nervous, his eyes rove, he gesticulates with his right hand, swaggers and tries to pass himself off as a "fighter for the truth." It can be felt that this is a theatrical performance, calculated to have an effect on the public, on those who have poisoned him with the fumes of nationalism. In fact, when one looks closer, his appearance is pitiful. His answers and his statements are either naive or demagogic or senseless. He arrogantly states that he does not admit his guilt because, as he says, in his actions and in his words "he does not remember" anything that could be a basis for being brought to trial.

But numerous witnesses — R.O. Bubtsova, N.V. Shpakovska, M.O. Zhdanevich, S.V. Rudenko, B.M. Lisenko, T.G. Giutiun, O.L. Kuevda and others, who had worked with Kochubiyevsky reminded the "forgetful" slanderer of his lying, provocative statements and appeals, and exposed his true image before the Court. Poisoned by Zionist ideology, he had tried to discredit the Soviet press and the informa-

tion published in it. During lectures on international questions, he threw out provocative remarks and praised the criminal, aggressive policy of the Israeli rulers. In the visa department and in the registration section of the local Department of Interior Affairs, where Kochubiyevsky had applied for emigration documents to Israel, he behaved arrogantly and insulted the workers of the department. This is confirmed by the witness M. F. Mironenko, T.I. Isay and T.A. Goliakova. When one of the department inspectors had remarked to Kochubiyevsky that he should not scorn the Soviet people and our Fatherland because his father, whom the German fascists killed, had lived here, Kochubiyevsky threw back in answer: "You are all worse than the fascists. . . ."

This hooligan statement is echoed by the provocations and the slanderous sentences written by Kochubiyevsky in letters addressed abroad. Incidentally, he had left copies of some of them for "remembrance," and these copies have been impounded. It is not worthwhile to quote his clearly anti-Soviet fabrications; let us only say that the author of these letters had shamelessly identified our State with the fascist regime of the Hitlerites.

Twenty million Soviet people perished during the Great Patriotic War against fascism, defending the freedom and the independence of their Fatherland and liberating the peoples of Europe from a cruel enemy. And our country was victorious thanks to the friendship of fraternal peoples, thanks to their bravery and heroism, their faithfulness and devotion to the cause of the Communist Party, the cause of Lenin. And this vile monster tries to slander the country of the Soviets and its people!

At the trial Kochubiyevsky squirmed, dodged and tried to disclaim the testimony of the witnesses, saying that some had misunderstood him, while others deliberately wanted to defame him. And what could he say about the letters he had written abroad? After all, these letters were irrefutable, as he himself had admitted writing them. The accused mumbled: "I wrote them by mistake . . ."

Those present in the Court understood these words to mean: "I kept them by mistake . . ."

In an involved fashion, Kochubiyevsky told at the trial how he came to make false statements while registering his documents, concealing his national origin and stating that he was a Russian. Even this deception of his, he now tried to exploit for provocative aims, claiming that otherwise he would have been unable to enroll at the Institute.

Even here, in the courtroom, these lying fabrications are refuted by dozens of facts. Here, in the room, sits Kochubiyevsky's brother who, in 1967, graduated from the Lvov Polytechnical Institute. Wit-



nesses in the case were: A. A. Daskovsky, an architect; M. A. Rabino-  
vich, an engineer-constructor; B. I. Ozeriansky, an engineer; I. I. Koif-  
man, a senior engineer; A. I. Gerenrot, a senior engineer; and  
E. B. Bukhina, the chief specialist on automation of the "Diprozdorov"  
Institute. All of these young people have graduated from Soviet uni-  
versities and have good jobs and not one of them had concealed his  
nationality. Incidentally, Kochubiyevsky himself also worked as senior  
engineer in the construction bureau of one of the Kiev enterprises,  
even though everyone there knew about his national identity.

Innumerable facts can be adduced to prove that every Soviet citi-  
zen, independently of his nationality, is provided with every oppor-  
tunity to show his gifts and talents. Equality of nations is not only  
proclaimed by the Constitution of the USSR, it is also guaranteed in  
reality.

But what does Kochubiyevsky care for facts? It can be felt that he  
is currying favor with his Zionist bosses; these lies are of service to  
them and they need to evoke mistrust for the nationality policy of  
our State. Vain efforts! Soviet people, no matter what their national  
origin is, decisively reject Kochubiyevsky's slanderous statements.

Justice demands us to admit that he did find one adherent, that  
he did succeed in winding around his finger and deceiving a young,  
inexperienced girl, a student of the Kiev Pedagogic Institute, Larisa  
Ushnurtsev, now Kochubiyevska. Politically immature and unstable,  
she fell under the influence of a man who, day after day, was per-  
suading her to break off with her Fatherland. And, just to do a favor  
for this man, this fourth-year student left her work in Kharkov and  
stated at the Institute that she shared his Zionist views. . . .

What is there in common between her, a Ukrainian girl, the  
daughter of a teacher and almost a pedagogue herself, and Zionism—  
which serves the interests of the most aggressive circles of the Jewish  
nationalist bourgeoisie, whose banner is rabid anti-communism?!

She has lost the moral right of being a teacher. She simply cannot  
be trusted with the upbringing of our children. Such a sudden change  
in the student is the result of serious omissions in the educational  
work at the Institute.

Exposed by the Court as having engaged in spreading anti-Soviet,  
Zionist fabrications, the accused tried to justify himself by stating:  
"Zionism is not a political movement. . . ."

But those present in the courtroom did not believe this pretended  
naivete, alleging that Zionism had only a philanthropic aim, because  
Kochubiyevsky had studied philosophy and had passed examinations  
at a candidate level. Every unprejudiced person knows that Zionism  
is a reactionary political movement, the symbol of aggression and vio-  
lence. The Zionists fervently hate the USSR and everything that is con-  
nected with Communism.

Kochubiyevsky is trying to create an impression that he is not  
being tried for spreading slander against the Soviet government and  
social system, but because he wants to go to Israel. This false state-  
ment corresponds with astounding exactness to the allegations made  
in *Nasha Strana*, a newspaper that is published in Israel in the Russian  
language. Isn't it for the benefit of the scribblers from this lying sheet  
that Kochubiyevsky is posturing and trying so hard to dodge and to  
squirm? It now turns out that in the Visa and Registration section  
he had threatened: "If I am brought to court, this will be known  
abroad. . . ." And so, he has earned the doubtful praise of some ser-  
vants of Zionism. Even the corrupt newspaper *Posev*, the publication  
of the rabid White-emigrant trash of the NTS—the so-called "National  
Labor Union"—has shed a hypocritical tear on the occasion of Kochu-  
biyevsky's being brought to trial. True, this paper, to please the bosses  
that support it, decided to speculate on the "Kochubiyevsky affair,"  
stating that he was allegedly being tried because his parents and rela-  
tives had once been active with Petliura. . . .

Well, every corrupted person speculates in his own way. But one  
thing is certain: this time, as so often in the past, the interests of the  
Zionists and of the Black Hundred White Guard circles have fused. . . .

Among other things, nobody intended to refuse Kochubiyevsky a  
visa to emigrate to Israel. Just like others who wished to merge their  
fate with that of their relatives living in that State, he would certainly  
have been given a permit to emigrate. He isn't of such a special value  
to our country that anybody should try to persuade him to live in the  
USSR. Incidentally, the proper documents have in essence already  
been registered.

It is only by his unseemly behavior, his violation of Soviet laws and  
his spreading of slander against our government and social system,  
that Kochubiyevsky deprived himself of the possibility to make use  
of the prepared documents.

To make the description of Kochubiyevsky complete, we shall add  
that he also had a negligent attitude toward his work in the construc-  
tion bureau. From the testimony of witnesses and from extracts from  
the directives of the enterprise, it can be seen that he systematically  
violated labor discipline, used to come late and did not finish matters  
that he began. For this he had quite a few penalties imposed on him.  
Kochubiyevsky had more than once been deprived of progressive pay.  
But he continued in his ways, and recently, for almost two months  
in a row, he was idle and did not undertake the work assigned to him.

"And did you ever have any praise?" the Chairman asked the  
accused. The latter thought for a long time and was finally forced to  
admit: "I don't remember anything like that. . . ."

When Kochubiyevsky found out that the factory committee of  
the trade union was getting ready to examine the question of his



violating labor discipline, he — perhaps for the first time realizing the authority and the power of the Party organization — applied to the Party Committee, requesting that it should protect him from the Workers' Collective. . . .

Our State has given everything to Kochubiyevsky: a stipend during his studies, higher education, the possibility to study further, a good position, an interesting and well-paid job and a separate apartment in a new building. And what were his thanks for all this care? That he soils the Soviet system, tries to slander it and to debase the dignity of our people.

Yes, by his negligent attitude toward his work and by his malicious slanders and provocations, Kochubiyevsky has earned the scorn of those Soviet people who have known him. And the Judicial Board for criminal cases of the District Court found no extenuating circumstances and has sentenced him — for disseminating slanders that blackened the Soviet government and social system, to three years of deprivation of freedom in regular-regime corrective camps.

Those present in the courtroom approved the verdict of the court.

### **The Provocateur Got His Just Deserts** by YAKIV MIRSKY

From: *Vecherniy Kiiiv*—September 4, 1969 (Kiev, daily, in Ukrainian)

On August 9, *Vecherniy Kiiiv* published S. Feldman's article, "With Somebody Else's Voice." The article told about the moral degradation of engineer B.L. Kochubiyevsky, who had stepped on the path of treason toward the Fatherland and had spread slander against the Soviet government and social system, and disseminated enemy Zionist propaganda.

The Editorial Board has received a great many letters from Kievites, indignantly condemning the vile deeds of this Zionist monster and praising the just verdict of Soviet justice. Below we publish one of the letters that were received by the paper.

I am an aged person, I have already entered on my ninth decade. At my age, of course, it is no longer easy to take up a pen, but nevertheless I have sat down to write these lines. Because, how can one remain calm when one finds out that among us there are still people who desecrate our Holy Fatherland, put dirt on our own Soviet people and on the government and social system that has been won by it in cruel battles with the enemy?! To these renegades belongs B. L. Kochubiyevsky, about whom I have read, with indignation and anger, in the article, "With Somebody Else's Voice," published in *Vecherniy Kiiiv*. What moral degradation must one reach to repay the Soviet

regime with black treason for all that it did for him — provided him with an education, a highly-paid job and a home.

It is now clear whom Kochubiyevsky served when he spread malicious gossip alleging that in the Soviet Union Jews are oppressed and when he called on Soviet citizens to emigrate to Israel — a country that wages an aggressive policy. He served the Zionists, those sworn enemies of the workers.

Into the calculations of these agents of American and international imperialism enters the weakening of the fraternal friendship of the Soviet peoples. Our enemies cannot reconcile themselves to the fact that in our country, for the first time in history, the nationality question has been solved and the various nationalities have their rights of equality guaranteed by the Constitution of the USSR.

By national origin I am a Jew. I happen to have lived in the days of Tsarism. I remember what oppression had been known by the Jewish, the Ukrainian and the Belorussian workers in Tsarist Russia — this prison of peoples. When I was a nine-year-old boy, I was forced to work to earn a piece of bread. I worked for 12 hours a day just like the grown-ups. I don't know what my life would have been, had the Great October not have won. Just like hundreds of thousands of other Jews, I have found my real Fatherland in the Country of the Soviets.

For fifty years I worked in various establishments and organizations and I have never seen anywhere that Jews were degraded or limited in their rights. For my honest and conscientious work I have repeatedly received commendations and awards. Among my friends and my colleagues at work, were Russians, Ukrainians, and representatives of other nations. We all lived as a friendly, united family.

At present I am retired. My old age has been financially assured by the State. Thanks to the Soviet regime, the lives of children, grandchildren and relatives have also turned out well. My two sons are now heads of faculties, they have been given the titles of professors. My grandson is a student at the medical institute. In our great family there are representatives of various nationalities. My youngest son, for instance, is married to a Russian woman, the wife of one of my nephews is also Russian, the wife of another is Ukrainian. They all live happily and in friendship.

My fate, the fate of my family, is not an exception. For instance, among the Jews that live in our city alone, there are thousands of workers, foremen, engineers, skilled workers, physicians, teachers, scientists and artists. All are equal and all have everything they need for creative work.

And you, Gentlemen-Zionists, blab about discrimination. The friendship of Russians, Ukrainians, Jews, Belorussians, Kazakhs and Georgians — of all the peoples of our country — has been tested by time and has been cemented by our jointly shed blood. For bravery



and courage during the Great Patriotic War, millions of soldiers of over one hundred nationalities have been decorated with orders and medals, and among them are 170,000 Jews. 107 Jews have been awarded the title of Hero of the Soviet Union. Major-General D. A. Dragunsky had been awarded this honor twice.

Among the rocket-gunners who shot down the plane of the American spy-pilot, Powers, was a Jew—Shuster. In Kursk, the destruction of the dangerous store of bombs left by the fascist bandits was directed by Captain Gorelik—a Jew by nationality.

In all spheres of the building of communism, side by side with representatives of various nationalities of our country, Jews are now working successfully. Many Jews have been honored with the title of Hero of Socialist Labor and with the Lenin and the State prizes.

Literature in the Yiddish language is developing freely and widely. In our country is published the literary and art magazine, *Sovietish Heimland* (*Soviet Homeland*). Books of the classics of Jewish literature are published in many languages of the peoples of the Soviet Union. The immortal works of Sholom Aleichem have been published 502 times.

Such are the irrefutable facts.

It is clear that these facts are not to the liking of the Zionists, who serve the most aggressive circles of world reaction. Carrying out the will of the imperialist moneybags, these spiritual brethren of the fascists commit new armed provocations in the Near East and are trying to incite a new war. And one must be a monster, such as Kochubiyevsky, to close one's eyes to all this. Can one forget the horrors that war brings upon mankind? Can one erase from the face of the earth the ashes of Auschwitz, Maidanek, Buchenwald and Babi Yar, where hundreds of thousands of people perished, including Jews? No, Gentlemen-Zionists, we, the Soviet people, always remember this and we shall do everything to defend peace and the achievements of the Great October.

Zionists like to talk about anti-Semitism and racial discrimination. Yes, but racism and anti-Semitism do exist. They are the creation of imperialism, and first and foremost of American imperialism—the one that Jewish bourgeoisie serves so faithfully.

In his book, *In America*, the Soviet writer, I. Ehrenburg, wrote: "Anti-Semitism in America is an everyday occurrence, many people do not notice it; it seems natural to them that this or that employer hires only 'Aryans,' or that there are hotels where Jews are not admitted. One American said to me: 'This is nothing. If a Jew is not hired in one place, he will get work somewhere else. If he is not admitted to one hotel, he will go to another. Luckily, we have enough comfortable hotels.' How can such an American understand that besides comfort there also exists human dignity? . . ."

"In New York," continues the writer, "there live two million Jews; among them are the poor and the rich, the famous and the unknown; according to the Constitution they are equal citizens, but they constantly feel racial discrimination. Regarding admittance to many universities there exists a 'numerus clausus' (of course, a camouflaged one). In some districts a Jewish family will not be rented an apartment at any price. A Jew is seldom accepted for employment in the Government."

And so, Gentlemen, Zionists, it would be better if you should help the liquidation of anti-Semitism and racial discrimination amidst your ideological partners and protectors. And you have no business to stick your nose into the affairs of a country that is sacred to all of us. I, an eighty-year-old Jew, am telling you this. This will be told to you by all the other Jews living in the Soviet Union. It is in vain that you look for yes-men, such as Kochubiyevsky. Disgrace and the scorn of the entire Soviet people awaits all of them.

#### WHY I AM A ZIONIST Boris Kochubiyevsky

I want to reply to a question which might have occupied and still does occupy those who hold power in the Soviet Union: Why is it that the most active sector of Jewish youth, raised and educated in the USSR, still retains a feeling of Jewish national unity and national identity? How is it possible that Jewish boys and girls who know nothing about Jewish culture and language, who are mostly atheists, continue to feel so acutely and be so proud of their national affiliation?

The answer is simple: Thanks for that, in large measure, can be given to anti-Semitism—the new brand which was implanted from above and, as a means of camouflage, is called anti-Zionism; and the old anti-Semitism which is still alive among the more backward sectors of Soviet society. It is precisely this anti-Zionism and anti-Semitism which prevents us from relaxing and welds us closer together.

The battle-cry of the "Black Hundreds"—"Beat the Kikes—Save Russia!"—has lost nothing of its actuality during the fifty years of Soviet rule. Its political motivation only underwent a slight change as well as the methods of adapting it to present-day life. Whereas earlier, the slogan "Beat the Kikes" was presented as a means to stave off Communism, to "Beat the Zionists" now is presented as a means to defend Communism itself.

In the eyes of many politicians who sense the approach of bankruptcy, my people continues to be an ideal candidate for the role of a "scapegoat." All hopes that the national persecution of Jews would cease have proven vain.



The "Krushevan" type of anti-Semitism cultivated in pre-revolutionary Russia was replaced by a considerably more sophisticated, and therefore, more painful, anti-Semitism.

It is to be hoped that the times of the pogroms and of Babi Yar have gone forever — for that we have a safeguard in our sacred homeland, Israel. But, unfortunately, one cannot as yet speak of an end to discrimination against Jews in the USSR.

Such discrimination is felt by the Jews in many ways: In the absence of Jewish schools, in religious persecution, when looking for jobs or applying to institutes of higher learning. In short, on almost all levels of public life. These evil and unjust policies are felt in the more advanced ranks of the Jewish intelligentsia where the memory of the nefarious "Beilis Affair" still lingers. At the present time, we copy and memorize Yevtushenko's "Babi Yar" and similar poems. But the fact that there was a great Jewish poet by the name of Chaim Nachman Bialik — a countryman of ours — is known to very few, even among the more educated Jewish youth. This is one more example of discrimination against our culture — they [the young] have no way to learn, there is no way for them to find out. . . .

I am probably not saying anything new. This is how it always was and how it is now. But it's not how it's going to be! This decision and this faith is what makes the new generation of the seventies different. We are convinced that there can no longer be room for [one word illegible] Jewish patience. Silence is equivalent to death. It was that kind of patience that created Hitler and the likes of him. If we remain silent today, tomorrow will be too late.

The fact that this anti-Semitism which was implanted from the top is flourishing, the fact that some governments still try to put the blame on the Jews for their own mistakes and miscalculations, making them again the scapegoats as in earlier centuries, this was publicly announced to the world by Gomulka.

Anti-Semitism did not perish together with the Third Reich; the six million Jewish lives that were lost were not enough. Anti-Semitism is again waiting for its hour to strike. What has changed is only the name — anti-Zionism — to adapt it to the new times. Anti-Zionism is nothing but anti-Semitism.

Once again there are those who wish to awaken the dark instincts among the more backward Russian, Polish and Ukrainian elements.

Synagogues are being shut down and those few that remain open are left to deteriorate. The old people who go to prayers do so with fear and apprehension. What will happen tomorrow?

Not to mention all the kinds of assistance provided by the government of the USSR to the Arab fascist fanatics. Now they suddenly seem to be noble, ideologically motivated, progressive regimes. We

just don't seem to be able to get used to black suddenly being called white. . . . The worst enemy of the Jewish people, Col. Nasser, was given the honorary title of "Hero of the Soviet Union." What will come next?

Involuntarily, the question arises: What does the Soviet ideology have in common with the so-called progressive Arab regimes? And what if they do have something in common? All Jews in the Diaspora are linked inseparably and the majority understands that when a shell bursts on Israel's soil, it hits us in our heart. Tomorrow it may happen that the culprits will not be in Israel but right here. Their own [local] Jews are within easier reach.

This is why for us Zionism is the only way out of the present situation. Zionism for us means the gathering of the persecuted, the hope to return to Israel. You should see the "noble" indignation of the anti-Semites — or anti-Zionists, as they are called — of all shadings, when they suddenly discover that the Jews no longer are the mute, disunited and cowed creatures of the past whom one could abuse with impunity, but individuals who are conscious that the right is on their side and — still a greater surprise — who are strong. We are not a flock of sheep. More and more Jews are coming to understand that endless silence and patience — lead straight down the road to Auschwitz.

This is why the leaders of the Soviet Union have anathemized Zionism.

This is why I am a Zionist.

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## Footnotes

### Military trials page 15

In 1937, as part of his Great Purge, Stalin decimated virtually the entire leadership of the Soviet armed forces. Many of the top generals and admirals were Old Bolsheviks, including a number of Jews.

### Petlyura page 15

Simon Petlyura (1877-1926), from 1918-1920 commander-in-chief of the Ukrainian nationalist armed forces fighting the Bolsheviks and the Red Army. In the Ukrainian territory under his control, pogroms claimed an estimated one million Jewish victims, including those killed, wounded, mutilated and raped. Jewish orphans in the Ukraine numbered some 200,000. Jewish material losses were incalculable. At the end, hundreds of thousands of Jews found themselves homeless, declassed and destitute. In the 20th century, only the Nazi Holocaust was more devastating.



### Black hundreds page 14

After the abortive revolution of 1905, the anti-democratic, anti-Semitic Establishment forces, supported by the Tsarist regime, formed a "patriotic" organization called the Union of the Russian People. Alarmed by the potential strength revealed by the democratic elements and parties, they mobilized and armed masses of street gangs in detachments of one hundred. These thugs, whose function was to perpetrate large-scale pogroms, were seen as the mailed fist of "black reaction"—and so were dubbed the "Black Hundreds" by the Jews and all other democratic groups.

### Shevchenko page 14

Taras Shevchenko (1814-61), major Ukrainian national poet, revered by his countrymen as a symbol of Ukrainian national feeling.

### K.G.B. page 14

*Komitet Gosudarstvenoi Bezopasnosti*—Committee for State Security. Current successor to: the Cheka—the O.G.P.U.—the N.K.V.D.—the M.V.D.—the M.G.B. In short, the secret police.

### Central Rada page 15

A provisional legislative body formed in Kiev in 1917, while the Ukraine was occupied by German troops, under the terms of the Treaty of Brest-Litovsk. It consisted of representatives of a variety of political parties, and of the main national minorities—Jews, Poles, Bielorrussians. The Rada was dissolved in April 1918.

### Beilis page 22

Mendel Beilis was a Russian Jew who in 1911 was accused of the infamous blood libel, using the blood of a Christian child for Jewish ritual purposes. This became an international *cause célèbre*, in which Tsarist justice and the entire Tsarist regime condemned themselves.

### Krushevan page 22

At the turn of the century, a notorious Bessarabian anti-Semite, in Kishinev.

### Dasinsky, Rabinovich page 23

The Kiev authorities were able to find Jewish provocateurs to egg Kochubiyevsky on, to try to entrap him, and subsequently to inform on him—just as after the trial they found Jewish traducers to malign him in the press. This is the age-old fate of a harried and atomized minority. But as a new mood overtakes Soviet Jewry, such types will be increasingly difficult to unearth.

### Kosygin, March 5, 1967 page 23

Here Kochubiyevsky made a slight error in dates. Kosygin made his commitment on December 3, 1966, during a press conference at the end of a visit to France.

Генеральному секретарю ЦК КПСС Брежневу ЛН

Первому секретарю ЦК КПСШ Шелесту

копия: следователю прокуратуры Шевченковский  
го р-на г. Киева Дорошенко З.В.

от обвиняемого в клевете на Советскую власть  
действительности Кочубиевского Б.Л., еврея

и-еврей. Я хочу жить в еврейском государстве. Это моё право, как и право  
украинца жить на Украине, как право русского жить в России, как право грузина  
жить в Грузии.

Я хочу жить в Израиле.

Это моя мечта, это цель не только моей жизни, но и жизни сотен предков—  
вавших мне поколений, изгнанных с земли предков.

Я хочу, чтобы мои дети учились в школе на еврейском языке, я хочу чи-  
тать еврейские газеты, я хочу ходить в еврейский театр. Ну что в этом пло-  
хого? В чём моё преступление? Большинство моих родных расстреляно фашиста-  
ми. Отец погиб и его родители убиты. Если бы они были живы, они бы стояли  
рядом со мной: Выпустите меня!

С этой просьбой я многократно обращался в различные инстанции и доби-  
лся лишь увольнения с работы, исключения жены из институтов и, в завершении  
всего—уголовного преследования по обвинению в клевете на советскую  
действительность. В чём эта клевета? Неужели это клевета, что в многона-  
циональном советском государстве только один еврейский народ не может  
учить своих детей в еврейских школах? Неужели это клевета, что в СССР  
нет еврейского театра? Неужели это клевета, что в СССР нет еврейских га-  
зет? Впрочем это никто и не отрицает. Может клевета то, что я более года  
не могу добиться выезда в Израиль? Или клевета то, что со мной не хотят  
говорить, что жаловаться некому? Никто не реагирует. Но дело даже и не в  
этом. Я не хочу вмешиваться в национальные дела государства, в котором  
я себя считаю посторонним человеком. Я хочу отсюда уехать. Я хочу жить  
в Израиле. моё желание не противоречит советскому законодательству.  
Вызов от родственников у меня есть, все формальности соблюдены. Так не-  
ужели за это вы возбуждаете против меня уголовное дело?

Неужели поэтому у меня дома был проведен обыск?

Я не прошу Вас о снисхождении. Сами послушайте голос разума:

Выпустите меня!

Пока я жив, пока я способен чувствовать, я отдам все свои силы, чтобы до-  
биться выезда в Израиль. И если вы найдёте возможным осудить меня за  
это, тогда равно, если я доживу до освобождения, я согласен и тогда  
хоть пешком идти на родину моих предков.

28.XI.68г Кочубиевский.

Kochubiyevsky's Letter



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